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APPLICATION NO. 09/413,348	FILING DATE 10/08/99	FUKUTERU NAMED INVENTOR	N	056091	ATTORNEY DOCKET NO.
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QM02/0507  
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KIM, C	EXAMINER
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3752 ART UNIT	PAPER NUMBER
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05/07/01

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/413,348

Applicant(s)  
Fukutomi et al.

Examiner  
Christopher S. Kim

Art Unit  
3752



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 Feb 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above, claim(s) 3-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 6, and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 8 Aug 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on February 27, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/413,348 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Amendment***

2. Amendment filed January 19, 2001 has been entered.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 2, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Asano.

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With respect to claim 6, Asano discloses a fuel injection valve comprising: a buffer portion 39; a fuel passage 22f; an end face (down stream side of 32); a nozzle opening 27. O-ring 39 inherently functions as a buffer portion.

With respect to claim 2, Asano further discloses a buffer portion 39 being an elastic member (O-ring); a sleeve 38, 40; a core 36; a valve holder 22; a solenoid 43, 44, 47.

With respect to claim 7, Asano discloses a fuel injection valve comprising: a dampening means 39; a fuel passage 22f; an end face (down stream side of 32); a nozzle opening 27. O-ring 39 inherently functions as a dampening means.

6. Claims 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kindley.

With respect to claim 6, Asano discloses a fuel injection valve comprising: a buffer portion 30; a fuel passage (through 30); an end face (down stream side of ribs 32); a nozzle opening (opening of valve/tip end 27).

With respect to claim 7, Asano discloses a fuel injection valve comprising: a dampening means 30; a fuel passage (through 30); an end face (down stream side of ribs 32); a nozzle opening (opening of valve/tip end 27).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 2 and 6 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bata discloses a fuel injector having an O-ring.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher S. Kim whose telephone number is (703) 308-8336. The examiner can normally be reached on Monday-Thursday from 6:30 a.m. to 5:00 p.m.

The fax phone number for this Group is (703) 308-7766.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

**David A. Scherbel**  
**Supervisory Patent Examiner**  
**Group 3700**

CK

April 25, 2001